

REMARKS

The Examiner contends that the information disclosure statement filed October 24, 2002 fails to comply with 37 C.F.R. § 1.98(a)(2). In order to be fully responsive, Applicants have enclosed herewith a courtesy copy of the Information Disclosure Statement as filed together with copies of the listed foreign patents and non-patent literature. It is requested that the listed references be included in the "References Cited" portion of any patent issuing from this application.

Claims 69 and 85 have been amended to more particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Specifically, they have been amended to include the limitation recited in claims 76 and 96, respectively and thus claims 76 and 96 have been cancelled without prejudice. Since dependent claims 76 and 96 were not rejected or objected to by the Examiner, the Applicants contend that including the limitation recited in these claims renders claims 69 and 85 allowable and free of the art.

Claims 69 and 85 are fully supported by the instant specification. Support for the recitation in amended claims 69 and 85 of the 10% reduction in comparison to a subcutaneous dosage can be found, for example, in claims 6 and 41 as originally filed. Accordingly, no new matter has been added.

After entry of this amendment claims 69-75, 77-95 and 97-104 will be pending in the application.

DOUBLE PATENTING REJECTION

Claims 69-104 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-6, 12-25, 31-47, 53-56, and 62-63 of copending application 09/893,746. As this is a provisional, obviousness-type double-patenting rejection, Applicants will not address the rejection on its merits at this time.

CONCLUSION

In light of the above amendments and remarks, the Applicants respectfully request that the Examiner enter the amendments and consider the remarks made herein. Withdrawal

of all rejections, and an early allowance is earnestly sought. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Date January 18, 2005

Respectfully submitted,

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OCT 23 2002

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Complete If Known

Application Number	10/028,989
Filing Date	December 28, 2001
First Named Inventor	PETTIS et al.
Group Art Unit	3763
Examiner Name	Not Yet Assigned
Attorney Docket Number	7767-177409

H3700

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
CMN.	AA	2,619,962		Rosenthal	12/02/1952	
	AB	3,814,097		Ganderton et al.	06/04/1974	
	AC	3,964,482		Gerstel et al.	06/22/1976	
	AD	4,270,537		Romaine	06/02/1981	
	AE	4,592,753		Panoz	06/03/1986	
	AF	5,003,987		Grinwald	04/02/1991	
	AG	5,098,389		Cappucci	03/24/1992	
	AH	5,156,591		Gross et al.	10/20/1992	
	AI	5,250,023		Lee et al.	10/05/1993	
	AJ	5,279,544		Gross et al.	01/18/1994	
	AK	5,417,662		Hjertman et al.	05/23/1995	
	AL	5,527,288		Gross et al.	06/18/1996	
	AM	5,591,139		Lin et al.	01/07/1997	
	AN	5,801,057		Smart et al.	09/01/1998	
	AO	5,820,622		Gross et al.	10/13/1998	
	AP	5,848,991		Gross et al.	12/15/1998	
	AQ	5,876,582		Frazier	03/02/1999	
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	AS	5,928,207		Pisano et al.	07/27/1999	
	AT	5,957,895		Sage et al.	09/28/1999	
	AU	5,997,501		Gross et al.	12/07/1999	
	AV	6,099,504		Gross et al.	08/08/2000	
	AW	6,334,856	BI	Allen et al.	01/01/2002	
CMN.	AX	6,346,095	BI	Gross et al.	02/12/2002	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₆
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	AY	CA	2 349 431		Canada	05/25/2000		
	AZ	EP	1 086 718	A1	Europe	03/28/2001		
	BA	EP	1 086 719	A1	Europe	03/28/2001		
	BB	EP	1 088 642	A1	Europe	04/04/2001		
	BC	EP	1 092 444	A1	Europe	04/18/2001		
	BD	WO	96/17648		PCT	06/13/1996		
	BE	WO	96/37155		PCT	11/28/1996		
	BF	WO	96/37256		PCT	11/28/1996		
	BG	WO	99/43350		PCT	09/02/1999		
	BH	WO	99/64580		PCT	12/16/1999		
	BI	WO	00/67647		PCT	11/16/2000		
	BJ	WO	00/74763	A2	PCT	12/14/2000		
	BK	WO	02/11669	A2	PCT	02/14/2002		

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Attorney Docket Number	7767-177409-1/N-1

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS		
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	BL	E. AUTRET et al., Therapie 1991, 46 : 5-8.
	BM	BRESSOLLE et al., "A Weibull Distribution Model for Intradermal Administration of Ceftazidime", Journal of Pharmaceutical Sciences, Vol. 82, No. 11, November 1993, pps. 1175-1178.
	BN	HENRY et al., "Microfabricated Microneedles: A Novel Approach to Transdermal Drug Delivery", Journal of Pharmaceutical Sciences, Vol. 87, No. 8, August 1998, pps. 922-925.
	BO	KAUSHIK et al., "Transdermal Protein Delivery Using Microfabricated Microneedles", Oct/Nov 1999 (1 page).
	BP	BURKOTH et al., "Transdermal and Transmucosal Powered Drug Delivery", Critical Review™ in Therapeutic Drug Carrier Systems, 16 (4), (1999), pps. 331-384.
	BQ	MCALLISTER et al., "Three-Dimensional Hollow Microneedle and Microtube Arrays", Conference: Solid-State Sensors and Actuators Transducers-Conference, 1999; 10 th ; Vol. 12, pp 1098-1103.

Examiner
Signature

Catherine S. Williams

Date
Considered

1/12/04

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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ATTORNEYS AT LAW